

JUN-16-2010 16:56

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P. 102

State of Alabama Unified Judicial System		COVER SHEET CIRCUIT COURT - CIVIL CASE (Not For Domestic Relations Cases)		Case Number <div style="display: flex; justify-content: space-between;"> <div style="border: 1px solid black; padding: 2px;">C V</div> <div style="border: 1px solid black; padding: 2px;">2 0 1 0</div> <div style="border: 1px solid black; padding: 2px;"> </div> <div style="border: 1px solid black; padding: 2px;"> </div> </div> Date of Filing: <div style="display: flex; justify-content: space-between;"> <div style="border: 1px solid black; padding: 2px;"> </div> <div style="border: 1px solid black; padding: 2px;"> </div> <div style="border: 1px solid black; padding: 2px;"> </div> </div> Judge Code: <div style="display: flex; justify-content: space-between;"> <div style="border: 1px solid black; padding: 2px;"> </div> <div style="border: 1px solid black; padding: 2px;"> </div> <div style="border: 1px solid black; padding: 2px;"> </div> <div style="border: 1px solid black; padding: 2px;"> </div> </div>	
Form AR Civ-93 Rev. 8/99					
GENERAL INFORMATION					
IN THE CIRCUIT COURT OF		GREENE		ALABAMA	
STATE OF ALABAMA		(Name of County) v. 825 ELECTRONIC GAMBLING DEVICES, et al			
First Plaintiff:	<input type="checkbox"/> Business <input checked="" type="checkbox"/> Government	<input type="checkbox"/> Individual <input type="checkbox"/> Other	First Defendant:	<input checked="" type="checkbox"/> Business <input type="checkbox"/> Government	<input type="checkbox"/> Individual <input type="checkbox"/> Other
NATURE OF SUIT: Select primary cause of action, by checking box (check only one) the best characterizes your action:					
TORTS: PERSONAL INJURY <input type="checkbox"/> WDEA - Wrongful Death <input type="checkbox"/> TONG - Negligence: General <input type="checkbox"/> TONV - Negligence: Motor Vehicle <input type="checkbox"/> TOWA - Wrongdoing <input type="checkbox"/> TOPL - Product Liability/AEMLD <input type="checkbox"/> TOMM - Malpractice-Medical <input type="checkbox"/> TOLM - Malpractice-Legal <input type="checkbox"/> TOOM - Malpractice-Other <input type="checkbox"/> TBFM - Fraud/Bad Faith/Misrepresentation <input type="checkbox"/> TOXX - Other: _____			OTHER CIVIL FILINGS (cont'd) <input type="checkbox"/> MSUX - Birth/Death Certificate Modification/Bond Forfeiture Appeal/Enforcement of Agency Subpoena/Petition to Preserve <input type="checkbox"/> CVRT - Civil Rights <input checked="" type="checkbox"/> COND - Condominium/Eminent Domain/Right-of-Way <input type="checkbox"/> CTMP - Contempt of Court <input type="checkbox"/> CONT - Contract/Ejectment/Writ of Seizure <input type="checkbox"/> TOCN - Conversion <input type="checkbox"/> EQND - Equity Non-Damages Actions/Declaratory Judgment/Vinjunctio Election Contest/Quiet Title/Sale For Division <input type="checkbox"/> CUVU - Eviction Appeal/Unlawful Detainer <input type="checkbox"/> FORJ - Foreign Judgment <input type="checkbox"/> FORF - Fruits of Crime Forfeiture <input type="checkbox"/> MSHC - Habeas Corpus/Extraordinary Writ/Mandamus/Prohibition <input type="checkbox"/> PFAB - Protection From Abuse <input type="checkbox"/> FELA - Railroad/Seaman (FELA) <input type="checkbox"/> RPRO - Real Property <input type="checkbox"/> WTEG - Will/Trust/Estate/Guardianship/Conservatorship <input type="checkbox"/> COMP - Workers' Compensation <input type="checkbox"/> CVXX - Miscellaneous Circuit Civil Case		
TORTS: PERSONAL INJURY <input type="checkbox"/> TOPE - Personal Property <input type="checkbox"/> TORE - Real Property			OTHER CIVIL FILINGS <input type="checkbox"/> ABAN - Abandoned Automobile <input type="checkbox"/> ACCT - Account & Nonmortgage <input type="checkbox"/> APAA - Administrative Agency Appeal <input type="checkbox"/> ADPA - Administrative Procedure Act <input type="checkbox"/> ANPS - Adults in Need of Protective Services		
ORIGIN (check one):			A <input type="checkbox"/> APPEAL FROM DISTRICT COURT T <input type="checkbox"/> TRANSFERRED FROM OTHER CIRCUIT COURT		
F <input checked="" type="checkbox"/> INITIAL FILING R <input type="checkbox"/> REMANDED			O <input type="checkbox"/> OTHER: _____		
HAS JURY TRIAL BEEN DEMANDED? <input type="checkbox"/> YES <input type="checkbox"/> NO			Note: Checking "Yes" does not constitute a demand for a jury trial. (See Rules 38 and 39, Ala.R.Civ.P., for procedure)		
RELIEF REQUESTED:			<input type="checkbox"/> MONETARY AWARD REQUESTED <input type="checkbox"/> NO MONETARY AWARD REQUESTED		
ATTORNEY CODE: <div style="border: 1px solid black; display: inline-block; padding: 2px;">G R I O 4 4</div>			Date: <u>6/4/2010</u> Signature of Attorney/Party filing this form:		
MEDIATION REQUESTED: <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> UNDECIDED					

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P.03

IN THE CIRCUIT COURT OF GREENE COUNTY, ALABAMA

STATE OF ALABAMA,

Petitioner,

v.

CASE NO: CV-2010-_____

825 ELECTRONIC GAMBLING DEVICES
including: one (1) Bally Black & White
Double Jackpot Gambling Device, S/N:
S070484738; one (1) IGT CATS Gambling
Device, S/N: K103711; and one (1) Cadillac
Jack Forgotten Fortunes Gambling Device,
S/N: CJ2005009209.

In Possession Of:
Greenetrack, Inc.
524 County Road 208
Eutaw, Alabama 35462

*AND Ownership Interests in Which are
Claimed by:*

Bally Gaming, Inc.
6601 Bermuda Rd
Las Vegas, NV 89119

IGT, Inc.
9295 Prototype Dr
Reno, NV 89251

Cadillac Jack, Inc.
2420 Meadowbrook Pkwy
Duluth, GA 30096, and

Fictitious Respondents A, B, C, being
those persons, corporations or other
entities claiming any right, title or
interest in and to the property seized,
whose names will be added by amendment
when ascertained by Petitioner,

Respondents.

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PETITION FOR FORFEITURE

COMES NOW, the State of Alabama ("State"), by and through its District Attorney, Gregory S. Griggers, and shows to this Honorable Court as follows:

1. On June 3, 2010 at 2:00 p.m., at the Greenetrack facility, located at 524 County Road 208, Eutaw, Greene County, Alabama, Sheriff Ronald K. Smith and other agents of the Sheriff's Office, while in the discharge of their duties as such officer(s), did then and there observe certain property in use, to-wit: 825 electronic gambling devices which said property remains in the custody of the Greenetrack facility.

2. Petitioner further avers that the Sheriff of Greene County is the sole regulator of electronic bingo in Greene County pursuant to Amendment No. 743 to the Constitution of Alabama, 1901. In his capacity as the regulator of bingo, the Sheriff is authorized to enter and inspect all electronic bingo machines in operation in Greene County.

3. Petitioner further avers that the Sheriff of Greene County has reason to believe that at the time of said observation by the said officer(s), the above described property were gambling devices, in violation of the law of the State of Alabama, and contrary to Section 13A-12-27, Code of Alabama, 1975.

4. That by reason of such facts, as aforesaid, the said property was at the time of seizure and is now contraband and is due to be forfeited to the State of Alabama.

5. Petitioner also avers that contemporaneously with the filing of this Petition, it has filed a Motion for Seizure seeking an order from the Court authorizing the Sheriff of Greene County to seize and take possession of certain of the gambling devices identified hereinabove. Further, because of the large number of remaining gambling devices and related equipment, and in order to prevent their removal or destruction and to prevent any physical damage to the devices, Petitioner is also requesting an order to seize in place the remaining gambling devices and related equipment pending examination, analysis, and testing by the State.

Petitioner further avers that it knows of no other person making claim to said property or any interest therein other than Greenetrack, Bally Gaming, Inc., IGT, Inc., and Cadillac Jack, Inc.

WHEREFORE, the above premises considered, Petitioner prays that this Court take jurisdiction of this case and cause all necessary process to issue out of this Court to all persons claiming any title or interest in and to said property; that upon a final hearing of this cause, Your Honor will determine and adjudicate the same; and that Your Honor adjudicate and decree that said property is contraband and

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forfeited to the State of Alabama, and that the same be condemned and ordered destroyed, pursuant to the provisions of Section 13A-12-30(a) of the Code of Alabama and that the cost of said proceeding be taxed against the said Respondents. If Petitioner has not asked for the proper relief, it now asks for such other, further, general and special relief as the nature of the case requires.



GREGORY S. GRIGGERS
District Attorney
Seventeenth Judicial Circuit

PLEASE SERVE THE FOLLOWING:

BY PERSONAL SERVICE:

Greenetrack, Inc.
524 County Road 208
Eutaw, Alabama 35462

BY CERTIFIED MAIL:

Bally Gaming, Inc.
c/o CT Corporation
2000 Interstate Park Dr
Montgomery, AL 36109

IGT, Inc.
c/o National Registered Agents, Inc.
150 South Perry St
Montgomery, AL 36104

Cadillac Jack, Inc.
c/o CT Corporation System
2 North Jackson St, Suite 605
Montgomery, AL 36104

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P.06

IN THE CIRCUIT COURT OF GREENE COUNTY, ALABAMA

STATE OF ALABAMA,

Petitioner,

v.

CASE NO: CV-2010-_____

825 ELECTRONIC GAMBLING DEVICES
Including: one (1) Bally Black & White
Double Jackpot Gambling Device, S/N:
S070484738; one (1) IGT CATS Gambling
Device, S/N: K103711; and one (1) Cadillac
Jack Forgotten Fortunes Gambling Device,
S/N: CJ2005009209.

In Possession Of:
Greenetrack, Inc.
524 County Road 208
Eutaw, Alabama 35462

*AND Ownership Interests in Which are
Claimed by:*

Bally Gaming, Inc.
6601 Bermuda Rd
Las Vegas, NV 89119

IGT, Inc.
9295 Prototype Dr
Reno, NV 89251

Cadillac Jack, Inc.
2420 Meadowbrook Pkwy
Duluth, GA 30096, and

Fictitious Respondents A, B, C, being
those persons, corporations or other
entities claiming any right, title or
interest in and to the property seized,
whose names will be added by amendment
when ascertained by Petitioner,

Respondents.

FILED CIRCUIT AND DISTRICT COURT
GREENE COUNTY ALABAMA

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ETTA B. EDWARDS
CIRCUIT COURT CLERK

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P.07

MOTION FOR SEIZURE

COMES NOW, the State of Alabama ("State"), by and through its District Attorney, Gregory S. Griggers and moves this Honorable Court for an Order seizing the electronic bingo devices and all related equipment, servers, communications, wires, and other appurtenances currently located on the premises of Greenetrack, Inc. In support of this Motion, the State shows as follows:

1. On June 3, 2010 at 2:00 p.m., at the Greenetrack facility, located at 524 County Road 208, Eutaw, Greene County, Alabama, Sheriff Ronald K. Smith and other agents of the Sheriff's Office, while in the discharge of their duties as such officer(s), did then and there observe certain property in use, to-wit: 825 electronic gambling devices and related equipment (including, but not limited to, all computers, computer hardware, computer software, servers, network devices, computer peripheral devices, and any and all other electrical equipment or components related to the operation of the 825 electronic gambling devices) which said property remains in the custody of the Greenetrack facility.

2. Petitioner further avers that the Sheriff of Greene County is the sole regulator of electronic bingo in Greene County pursuant to Amendment No. 743 to the Constitution of Alabama, 1901. In his capacity as the regulator of bingo, the Sheriff is authorized to enter and inspect all electronic bingo machines in operation in Greene County.

3. Petitioner further avers that the Sheriff of Greene County has reason to believe that at the time of said observation by the said officer(s), the above described property were gambling devices, in violation of the law of the State of Alabama, and contrary to Section 13A-12-27, Code of Alabama, 1975.

4. That by reason of such facts, as aforesaid, the said property was at the time of observation contraband and therefore should be seized and forfeited to the State of Alabama.

5. Petitioner requests that this Court enter an order authorizing the State and the Sheriff of Greene County to seize and take possession of three electronic gambling devices identified as follows and which represent each of the manufacturers known to the Petitioner whose machines are in use at the facility: one (1) Bally Black & White Double Jackpot Gambling Device, S/N: S070484738; one (1) IGT CATS Gambling Device, S/N: K103711; and one (1) Cadillac Jack Forgotten Fortunes Gambling Device, S/N: CJ2005009209.

6. Because of the large number of suspected illegal gambling devices and gambling

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machines, to prevent their removal or destruction, and to protect the machines from the possibility of any physical damage during a seizure and removal, the State further requests that this Court enter an order authorizing a seizure in place of the remaining 822 gambling devices and related equipment for a reasonable period of time for the State to complete the examination, analysis, and testing of the machines.


7. The State requests that this Court enter an order preventing Respondents or anyone acting in concert with Respondents from removing said gambling machines and related equipment from the Greentrack premises without authorization from Petitioner.

8. Petitioner agrees to make an inventory of all seized property and all property seized in place and to make a return of the property to this Court within ten (10) days from the entry of an order of seizure.

9. An immediate seizure is necessary for the State to perform the examination, analysis, and testing of the gambling devices and to prevent the removal or destruction of the gambling devices and related equipment.

10. Petitioner further avers that a Petition for Forfeiture is being filed contemporaneously with this Motion and that a copy of both are being served on the Respondents.

WHEREFORE, the above premises considered, the District Attorney of the Seventeenth Judicial Circuit respectfully requests that this Court enter an order authorizing the State and the Sheriff of Greene County to seize three electronic gambling devices identified hereinabove and to seize in place the remaining 822 gambling devices and related equipment located at 524 County Road 208, Eutaw, Greene County, Alabama.


GREGORY S. GRIGGERS
District Attorney
Seventeenth Judicial Circuit

PLEASE SERVE THE FOLLOWING:

BY PERSONAL SERVICE:

Greentrack, Inc.
524 County Road 208
Eutaw, Alabama 35462

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BY CERTIFIED MAIL:

Bally Gaming, Inc.
c/o CT Corporation
2000 Interstate Park Dr
Montgomery, AL 36109

IGT, Inc.
c/o National Registered Agents, Inc.
150 South Perry St
Montgomery, AL 36104

Cadillac Jack, Inc.
c/o CT Corporation System
2 North Jackson St, Suite 605
Montgomery, AL 36104

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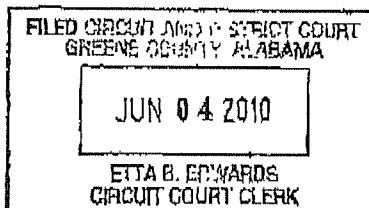
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ORDER OF SEIZURE

Upon consideration of the Petitioner's Motion for Seizure, the Court finds that the same is hereby GRANTED. Therefore, it is ORDERED, ADJUDGED, and DECREED as follows:

Effective immediately, and until further order of this Court, the following three electronic devices shall be seized by the State and the Sheriff of Greene County: one (1) Bally Black & White Double Jackpot Gambling Device, S/N: 5070484738; one (1) IGT CATS Gambling Device, S/N: K103711; and one (1) Cadillac Jack Forgotten Fortunes Gambling Device, S/N: CJ2005009209 (hereinafter referred to as the "Seized Property"). The remaining 822 alleged gambling devices and related equipment (including, but not limited to, all computers, computer hardware, computer software, servers, network devices, computer peripheral devices, and any and all other electrical equipment or components related to the operation of the 825 electronic gambling devices) shall be seized in place (hereinafter referred to as "Property Seized in Place") and shall not be destroyed or removed from the Greentrack premises without authorization of the Petitioner. It is further ORDERED as follows:

1. Respondents, their agents, servants, employees, and anyone acting in concert with any of the foregoing, shall not remove or otherwise dispose of any of the Property Seized in Place; and
2. Respondents, their agents, servants, employees, and anyone acting in concert with any of the foregoing, shall likewise preserve and not destroy any evidence related to the operation of the devices seized pursuant to this Order;
3. Petitioner and its agents or employees shall have full access to all Property Seized in Place. Petitioner may take possession of and physically remove from the premises any Property Seized in Place in order to perform or complete its examination, analysis, and the testing of the alleged gambling devices. Any removal, examination, analysis, or testing of Seized Property or Property Seized in Place shall not damage or harm the alleged gambling devices or related equipment, and shall not result in the alteration or loss of any data;
4. Unless otherwise ordered by this Court, Petitioner, its agents, servants, or employees, and anyone acting in concert with any of the foregoing, shall not impair or harm Respondents' business or prevent the use of the Respondents' premises, any and all



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unseized property, and any and all Property Seized in Place, so long as such use does not alter or destroy the Property Seized in Place.

5. Any examination, analysis or testing of the Property Seized in Place by Petitioner, its agents, servants, employees, and anyone acting in concert with any of the foregoing shall not interfere with public access to the facility where the Property Seized in Place is located.

6. Petitioner shall make an inventory of all property seized pursuant to this Order and shall make a return of the inventory to this Court within ten (10) days.

A status conference is set in this matter for June 28, 2010 at 9:00 ^{a.}m.

DONE and ORDERED, on this the 4th day of June, 2010.


EDDIE HARDAWAY, JR.
Circuit Court Judge

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